



THADDEUS R. LIGHTFOOT  
Partner  
(612) 492-6532  
FAX (612) 486-9491  
lightfoot.thad@dorsey.com

November 1, 2019

**VIA EMAIL**

Maggie Owen  
Judicial Law Clerk to the Honorable Leonardo  
Castro  
Second Judicial District  
15 West Kellogg Boulevard  
St. Paul, MN 55102

2ndJudgeCastroChambers@courts.state.mn.us  
Maggie.owen@courts.state.mn.us

Re: *Commissioners of Minnesota Department of Labor and Industry and Minnesota  
Department of Health v. Water Gremlin Company*

File No. 62-CV-19-7606

Dear Ms. Owen:

Attached please find the Phase I plan of Water Gremlin Company, as the Court ordered. Water Gremlin has submitted the plan to the Departments and discussed with counsel this morning. Although there are substantial areas of agreement, I understand the Departments in general object to the Water Gremlin plan because it does not go far enough.

Please let me know immediately if you have any questions regarding this submission.

Sincerely,

/s/ Thaddeus R. Lightfoot

Enclosures

TRL:rf

CC: Peter Sudro by email at Peter.Surdo@ag.state.mn.us

## Water Gremlin Company Phase 1: Clean Exit Plan

### Phase 1 Activities

Water Gremlin implements the Clean Exit Plan in three phases. Phase 1 consists of activities Water Gremlin will implement in 30 days or less.

Water Gremlin proposes to reopen this weekend with a crew of 15 employees per shift for three shifts. This crew will prepare for a plant-side cleanup project which will be conducted over the next several weeks. On Monday, November 4, all employees on all shifts will report to work. The entire day will focus on staff retraining the Company's lead reduction protocols and staff training on the new Clean Exit Plan. The Company will provide interpreters for multi-lingual presentations. No production lines will operate on November 4. Training will emphasize: (1) lead reduction elements and hazard communication for employees; (2) required adherence to procedures for workplace lead management and clean exit procedures as described in the chart below; and (3) enforcement tools for supervisors and management.

On Tuesday, November 5, 2019, manufacturing activity will resume.

<b>Clothing and Shoe Control Element</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>
All employees must use dedicated current workplace coveralls, work socks (or disposal coverlet socks that may be worn over socks) and shoes when working in manufacturing areas.	On November 1, 2019, Water Gremlin will order disposable coverlets or reusable work socks for all employees.	Water Gremlin will expedite the order and will work with the vendor for expedited delivery.
Lab smocks will be provided for all personnel and others not issued uniforms (such as visitors) that spend time on the floor in support of manufacturing activity.	On November 1, 2019, Water Gremlin will order smocks.	Water Gremlin will expedite the order and will work with the vendor for expedited delivery.
All workplace coveralls that contain lead materials must be deposited in cleaning bins at the end of the shift as part of the continued current practices.	Immediately increase the frequency of laundry from every other day to every day.	Begin November 4, 2019.
All work place shoes must be stored in employee's locker at end of shift using clean space booties in the locker.	On November 1, 2019, Water Gremlin Place will order for clean space booties.	Water Gremlin will expedite the order and will work with the vendor for

	<p>Locker rooms will be clean spaces by use of booties (white) at entry of facility for street shoes, with a second pair of clean booties (blue) and a donning machine at the vestibule of the locker room. Clean booties stay on street shoes in locker. Work shoes have clean booties (blue) on the shoes from the end of previous shift. Employee dons work boots and exits locker room (clean space), removing blue clean space booties upon exit. When employee reenters locker room at shift end, employee dons blue clean booties over work shoes and leaves work shoes in locker. Employee then changes into street shoes with clean bootie overwrap in locker, exits locker room, disposes of blue clean booties, and finally disposes of underlying white booties in the vestibule before entering the building.</p>	expedited delivery.
The lockers in the locker room are for storage of clean articles. No soiled or workplace clothing may be stored in any locker.	Also increase the number of garments provided so no dirty clothes go into a locker.	Begin November 4, 2019.
Signage will be placed on the employee bulletin board and in the locker rooms to denote areas for storage of clean articles.	Pictorial signage will be used to address language barriers	Begin November 4, 2019.
Employees are prohibited from bringing any jewelry or personal items onto the production floor, including jewelry, keys and similar materials.	Immediate retraining and enforcement.	Policy addressed during retraining of all employees on November 4, 2019.
A locking storage bin area will be available for storage of personal items.	On November 1, 2019, Water Gremlin Place will order for lockers.	Water Gremlin will make an expedited order

		and work with vendor to expedite delivery.
Employees must not access personal items during the work day without using good hand washing or hand wipe hygiene practices	Immediate retraining and enforcement.	Begin November 4, 2019.
Except for use of cell phones for company business, employees are prohibited from the use of personal cell phones in any production areas (other than in the event of an emergency.)	Immediate retraining and enforcement.	Begin November 4, 2019.
Any worker observed using a personal cell phone on the production floor is subject to the company's discipline policies. (Cell phones carried with workers must be placed in plastic or zippered bags.)	Immediate retraining and enforcement.	Begin November 4, 2019.
Strict clothing and shoe control program and violations will be enforced under the Company's disciplinary policies, including but not limited to immediate termination of material violations of this element.	Immediate retraining and enforcement.	Begin November 4, 2019.
<b>PPE</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>
Employees must use appropriate PPE for their job responsibilities.	Immediate retraining and enforcement.	Begin November 4, 2019.
All PPE must be properly stored, maintained and cleaned (or properly discarded at the facility for disposable articles).	Immediate retraining and enforcement.	Begin November 4, 2019.
Employees will be training on the proper use, cleaning and storage of PPE	Immediate retraining and enforcement.	Begin November 4, 2019.
<b>Facility Housekeeping Element</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>

In addition to the Company's existing housekeeping and hygiene programs, locker room areas will be cleaned for each shift using HEPA vacuums and D'Lead® cleaning detergent.	The Company will employ a lead-trained cleaning vendor or use existing staff who are trained in lead cleaning.	Begin November 4, 2019.
Regular cleaning and replacement of reusable or disposal shoe tack mats	Water Gremlin currently has shoe washing stations at certain doorways. Additional tack mats were ordered earlier this week, and are expected to arrive by Friday, November 1, 2019.  Mats will be placed in certain pathways recommended by the Company's industrial hygienist professional.	Begin November 4, 2019.
The company bans the use of brooms in indoor spaces at the facility. All cleaning activities are to be performed by trained personnel using HEPA vacuums.	Immediate retraining and enforcement. All brooms to be removed from indoor use.	Begin November 4, 2019.
The cafeteria will be cleaned daily with HEPA vacuum cleaners and D'Lead® cleaning detergent. All employees must use sticky mats when accessing the cafeteria, including one-way use of door into the north die cast area.	Immediate retraining and enforcement.  Door will be alarmed.	Begin November 4, 2019.
There will be designated janitorial cleaners for each work shift, including at least one during the 2 <sup>nd</sup> and 3 <sup>rd</sup> shifts for cleaning of changing rooms and break areas.	The Company will employ a lead-trained cleaning vendor or use existing staff who are trained in lead cleaning.	Begin November 4, 2019.
The company will post luncheon usage schedules to inform employees on recurring cleaning periods so that there is dedicated time between rest breaks and meal breaks for cleanup.	Immediate retraining and enforcement	Begin November 4, 2019.
<b>Good Hygiene Practice Element</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>

<p>All employees are expected to continue implementation of good hygiene practices, which include the following: (a) hand and face washing prior to handling food during lunch breaks; (b) use of disposable napkins and wipes rather than elements of clothing for drying; (c) use of sticky tack floor mats at the entrance and exists to lunch and break rooms; (d) use of available disposable hand wipes or towelettes such as D-Wipe® towels be placed at exits.</p>	<p>Immediate retraining. The sticky tack floor mats are scheduled to arrive on Friday, November 1, 2019. The towelettes are currently available to staff.</p>	<p>To be addressed during retraining on November 4, 2019.</p>
<p>Smoking is not recommended for any employee. If any employee chooses to smoke, smoking is only allowed in designated exterior smoking shelters during work breaks. There can be no smoke breaks inside of personal or company vehicles. This is a strict smoking policy and violations will be enforced under the Company's disciplinary policies, including but not limited to immediate termination of material violations of this Clean Exit Plan.</p>	<p>Water Gremlin has already moved its smoking shelter from the front of the building to the back. Employees cannot, without easily alerting supervisors, exit to their car for a smoke break. In the event that the smoking policy is not followed staff will be subject to termination. Immediate retraining and enforcement.</p>	<p>Policy will be addressed during retraining on November 4, 2019.</p>
<b>Exiting the Facility</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>
All personnel must follow designated facility exist routes, and all exits will be maintained with sticky mats	Immediate retraining and enforcement	Begin November 4, 2019.
Workers on all three work shifts must comply with the Clean Exit Plan requirements.	One staff member will be designated to enforce the Company policies and the Clean Exit Plan during all of the shift changes.	Begin November 4, 2019.
<b>Training</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>

All existing production employees must go through refresher training on this Clean Exit Plan at least once per year. The Company will provide appropriate translators for non-English speaking employees.	Immediate retraining and enforcement	Begin November 4, 2019.
All new production employees and any temporary production workers must attend a training on this Clean Exit Plan on or before their first day of work.	Training before first day of work is an existing requirement. This provision extends that training to the provisions of the Clean Exit Plan.	Begin November 4, 2019.
Company will maintain a record of worker training. Any production worker who has not completed lead hygiene training will not be allowed onto the production floor until training is completed.	Maintaining training records is a current policy. This provision extends that requirement to training on the Clean Exit Plan. Employees will also be retrained on enforcement of all lead policies on November 4, 2019.	Begin November 4, 2019.
<b>Enforcement and Additional Element</b>		
<b>Activity</b>	<b>Notes</b>	<b>Timeframe</b>
The Company's Health and Safety manager will be responsible to implement and verify implementation of Clean Exit Plan, with weekly reports to management. The Plan will be enforced under the Company's employee disciplinary procedures.	All salaried personnel are expected to identify nonconforming employee behavior and are empowered to initiate enforcement action.	Begin November 4, 2019.
The Company will work with its laundry service for the cleaning of splatter on work garments and work	On November 4, 2019, the Company will provide over-garments for specific tasks	Begin November 4, 2019.

<p>garments that cannot be cleaned by laundry service will be properly disposed.</p>	<p>where lead splatter is occurs. The over-garments will stay at the work stations until the over-garments are disposed of after one week.</p> <p>The Company will work with its laundry service regarding splatter removal.</p>	
<p>The Company has already created interior foot traffic aisles and patterns based on the recommendations of its industrial hygiene professional. It created these patterns to help reduce tracking of materials inside the facility.</p> <p>The Company also frequently cleans these foot traffic aisles.</p>	<p>The Company will repaint its interior foot traffic aisles.</p>	<p>Complete repainting by November 4, 2019.</p> <p>Remove two-way access way from emergency door in the cafeteria and install alarm to ensure employees use dedicated pathways. Complete by November 13, 2019.</p> <p>Complete by November 22, 2019.</p>
<p>The Company will offer and implement a one-time on-site vehicle cleaning program for vehicles registered to existing employees, including HEPA vacuums and use of lead cleaning products for hard surfaces.</p>		

